

**REPORT OF PROCEEDINGS TO VACATE SUSPENSION OF A GENERAL COURT-MARTIAL SENTENCE
OR OF A SPECIAL COURT-MARTIAL SENTENCE INCLUDING A BAD-CONDUCT DISCHARGE
UNDER ARTICLE 72, UCMJ, and R.C.M. 1109**

1a. TO: (Name of Officer exercising general court-martial jurisdiction - Last, First, MI)		2a. FROM: (Name of Officer exercising general court-martial jurisdiction - Last, First, MI)			
b. TITLE		b. TITLE			
c. ORGANIZATION		c. ORGANIZATION			
3a. NAME OF PROBATIONER (Last, First, MI)	b. RANK	c. SSN	d. ORGANIZATION		
4. DATA AS TO TRIAL BY COURT-MARTIAL. ATTACH A COPY OF THE COURT-MARTIAL ORDER AND ANY SUPPLEMENTARY ORDERS OR, IF NO COURT-MARTIAL ORDER HAS BEEN PROMULGATED OR IS AVAILABLE, ATTACH A SUMMARY OF THE CHARGES AND SPECIFICATIONS, FINDINGS, SENTENCE, INITIAL ACTION, AND ANY SUPPLEMENTARY ACTIONS. ATTACH A COPY OF THE WRITTEN NOTICE OF SUSPENSION (See R.C.M. 1108(c)).					
5. ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION. (BRIEF STATEMENT AND DATE. See R.C.M. 1108(c) AND 1109(a) CONCERNING THE CONDITIONS OF SUSPENSION.)					
(Check appropriate answer)			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">YES</td> <td style="width:50%; text-align: center;">NO</td> </tr> </table>	YES	NO
YES	NO				
6. PURSUANT TO THE PROVISIONS OF ARTICLE 72, UCMJ, AND R.C.M. 1109, A HEARING WAS HELD ON THE ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION.			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
7. BEFORE THE HEARING THE AUTHORITY CONDUCTING THE HEARING CAUSED THE PROBATIONER TO BE NOTIFIED OF (see R.C.M. 1109(d)(1)(B)):			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
a. THE TIME, PLACE, AND PURPOSE OF THE HEARING.			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
b. THE RIGHT TO BE PRESENT AT THE HEARING.			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
c. THE ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION AND THE EVIDENCE EXPECTED TO BE RELIED ON.			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
d. THE RIGHT TO BE REPRESENTED AT THE HEARING BY CIVILIAN COUNSEL PROVIDED BY THE PROBATIONER OR, UPON REQUEST, BY MILITARY COUNSEL DETAILED FOR THIS PURPOSE.			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
e. THE OPPORTUNITY TO BE HEARD, TO PRESENT WITNESSES AND OTHER EVIDENCE, AND THE RIGHT TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES UNLESS THE HEARING OFFICER DETERMINES THAT THERE IS GOOD CAUSE FOR NOT ALLOWING CONFRONTATION AND CROSS-EXAMINATION.			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
8a. THE PROBATIONER REQUESTED DETAILED MILITARY COUNSEL.			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
b. NAME OF DETAILED COUNSEL (Last, First, MI)	c. RANK	d. ORGANIZATION	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		
e. DETAILED COUNSEL WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UCMJ, and R.C.M. 502(d).			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"></td> <td style="width:50%;"></td> </tr> </table>		

NOTE: If this form is used and additional space is required for any item, enter the additional material in Block 18 or on a separate sheet. Identify such material with the proper heading (Example: "3d"). Securely attach any additional sheet(s) and add a note in the appropriate item: "See Block 18" or "See additional sheet." This form may be used to vacate a suspended special court-martial sentence not including a bad-conduct discharge or a suspended summary court-martial sentence under R.C.M. 1109(e) by lining through or altering the form, as appropriate.

(Check appropriate answer)			YES	NO
9a. THE PROBATIONER INDICATED THAT HE/SHE WOULD BE REPRESENTED BY CIVILIAN COUNSEL PROVIDED BY HIM/HER.				
b. NAME OF CIVILIAN COUNSEL (<i>Last, First, MI</i>)	c. ADDRESS OF CIVILIAN COUNSEL			
d. ENTRY OF APPEARANCE BY PROBATIONER'S CIVILIAN COUNSEL. I HEREBY ENTER MY APPEARANCE FOR THE ABOVE NAMED PROBATIONER AND REPRESENT THAT I AM A MEMBER IN GOOD STANDING OF THE FOLLOWING BAR(S) (LIST OR LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE LAW (EXPLAIN) (see R.C.M. 502(d)(3) CONCERNING QUALIFICATIONS):				
e. SIGNATURE OF COUNSEL		f. DATE		
10a. DETAILED COUNSEL OR CIVILIAN COUNSEL WAS PRESENT THROUGHOUT THE PROCEEDINGS. (<i>If probationer waives the right to have counsel present throughout part or all of the proceedings after requesting detailed counsel or employing civilian counsel, complete b. below.</i>)				
b. STATE CIRCUMSTANCES AND SPECIFIC PROCEEDING(S) CONDUCTED IN ABSENCE OF COUNSEL.				
11. (<i>To be signed by probationer if answer to items 8 or 9 was "No." If probationer fails to sign, the hearing officer shall explain in Item 18.</i>) I have been informed and understand my right under R.C.M. 1109(d) to representation at this hearing by civilian counsel provided by me or, upon request, by detailed military counsel. I hereby knowingly waive my right to such: a. <input type="checkbox"/> Detailed Counsel b. <input type="checkbox"/> Civilian Counsel				
c. SIGNATURE OF PROBATIONER		d. DATE		
12a. THE PROBATIONER WAS AFFORDED THE RIGHT TO OBTAIN WITNESSES AND PRODUCE EVIDENCE (see R.C.M. 405(g)).				
b. IN THE PRESENCE OF PROBATIONER I QUESTIONED UNDER OATH ALL AVAILABLE WITNESSES AND EXAMINED DOCUMENTARY AND REAL EVIDENCE FOR BOTH SIDES ANY DOCUMENTS AND REAL EVIDENCE WERE SHOWN TO THE PROBATIONER.				
c. THE PROBATIONER WAS AFFORDED THE RIGHT TO CROSS EXAMINE ALL AVAILABLE WITNESSES.				
d. I HAVE SUMMARIZED THE EVIDENCE CONSIDERED IN EXHIBIT _____				
e. THE FOLLOWING WITNESSES REQUESTED BY THE ACCUSED WERE NOT AVAILABLE UNDER R.C.M. 405(g) FOR THE REASONS INDICATED. (<i>Explain why requested witnesses were unavailable and any alternatives to testimony under R.C.M. 405(g)(4) used.</i>)				
NAME (<i>Last, First, MI</i>)	REASON UNAVAILABLE	ALTERNATIVES		
13. AFTER HAVING BEEN INFORMED OF THE RIGHT TO REMAIN SILENT OR MAKE A STATEMENT, THE PROBATIONER				
a. INDICATED THAT HE/SHE DID NOT WISH TO MAKE A STATEMENT				
b. MADE A STATEMENT SUMMARIZED IN EXHIBIT _____				

(Check appropriate answer)			YES	NO
14a. THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE PROBATIONER NOW OR AT THE TIME OF THE ALLEGED VIOLATION WAS NOT MENTALLY RESPONSIBLE (see R.C.M. 916(k)) OR IS NOW INCOMPETENT TO PARTICIPATE IN THE VACATION PROCEEDING (see R.C.M. 909).				
b. INDICATE THE GROUNDS FOR SUCH BELIEF AND THE ACTION TAKEN.				
c. A REPORT OF MEDICAL OFFICERS UNDER R.C.M. 706 IS ATTACHED AS EXHIBIT _____				
15. IF PROBATIONER WAS CONFINED PENDING VACATION PROCEEDINGS UNDER R.C.M. 1109(c):				
a. I FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROBATIONER VIOLATED THE CONDITIONS OF SUSPENSION.				
b. I DO NOT FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROBATIONER VIOLATED THE CONDITIONS OF SUSPENSION AND ORDER HIS/HER RELEASE UNDER R.C.M. 1109(d)(1)(E).				
16. RECOMMENDATION OF THE OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION OVER THE PROBATIONER.				
a. I RECOMMEND THAT THE SUSPENSION OF THE SENTENCE BE VACATED. (Indicate type and amount of punishment, if any, to be vacated.)				
b. I RECOMMEND THAT THE PROCEEDINGS TO VACATE SUSPENSION BE DROPPED.				
c. I RECOMMEND (state other recommendation):				
17a. NAME OF OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION OVER PROBATIONER	b. RANK	c. ORGANIZATION		
d. SIGNATURE		e. DATE		
18. REMARKS				

REMARKS (Continued)

(Check appropriate answer)

YES NO

19. DECISION OF THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER PROBATIONER.

a. VACATE SUSPENSION OF THE SENTENCE TO (specify type/amount of punishment to be vacated):

b. NOT TO VACATE.

c. OTHER (specify):

d. IF DECISION IS TO VACATE, INDICATE EVIDENCE RELIED ON:

e. IF DECISION IS TO VACATE, INDICATE REASONS FOR VACATING:

20a. NAME OF OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION OVER PROBATIONER

b. RANK

c. ORGANIZATION

d. SIGNATURE

e. DATE